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Written statement* submitted by public organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Discrimination and religion-based violations against the Orthodox Ohrid Archbishopric in the Former Yugoslav Republic of Macedonia (FYROM)

The **Orthodox Ohrid Archbishopric (OOA)** is an autonomous Orthodox Archbishopric located on the territory of the Republic of Macedonia. It is the only canonical Orthodox Church in the Republic of Macedonia and is in full communion with all other Local Orthodox Churches.

Historical Background

With a view to regaining its canonicity and be recognized by other Orthodox churches, the Macedonian Orthodox Church started negotiations with the Serbian Orthodox Church. As a result, an agreement was signed in Niš in 20021. Although the agreement was signed by all the bishops of the two parties to negotiations, the representatives of the Macedonian Orthodox Church became subject to severe criticism, eventually leading to the rejection of the agreement by the Synod of the MOC.

After that, all bishops, clergy, monastics and faithful people were summoned by the Patriarch of the Serbian Orthodox Church to restore liturgical and canonical unity. The positive response came from Metropolitan of Veles and Povardarie Jovan (Vraniskovski) together with the priests of Veles who agreed to sign a document of agreement2.

In that same year, the Assembly of the Serbian Orthodox Church appointed Metropolitan Jovan Exarch of all the territories of the Ohrid Archdiocese and in 2003 was elected Chairman of the Holy Synod of Bishops of the Orthodox Ohrid Archbishopric3.

In 2005, Serbian Patriarch confirmed Metropolitan Jovan to be *Archbishop of Ohrid and Metropolitan of Skopje* in accordance with the Niš Agreement4. On the same day, the Patriarchal and the Assembly's Tomos for Autonomy of the Ohrid Archbishopric was granted5.

Rejection of registration by the Government of Macedonia

The Macedonian State Religion Commission has been continuously refusing registration of the Orthodox Ohrid Archbishopric on the basis that each confession may be registered as one group and that the name of the OOA was not distinct from that of the Macedonian Orthodox Church (MOC)6. Although MOC is recognized by the Government of Macedonia, it is not recognized by any other Local Orthodox churches, considering the 1967 declaration of the MOC of autocephaly to be a breach of canon law.

Arrest and Expulsion

In 2002, after canonical and ecclesiastical reunion with the Serbian Orthodox Church, police unlawfully, without a court ruling, expelled Archbishop Jovan from his residence and cathedra in Veles. In 2004, the same illegal actions were committed by the police in terms of the monks of four monasteries, who were immediately expelled from their monasteries after joining the Orthodox Ohrid Archbishopric78.

1 http://poa-info.org/history/schism/nisdok.html
2 http://poa-info.org/history/schism/potpisi_svest_velest.html
3 http://www.poa-info.org/sinod/odluki/20031225.html
4 http://www.poa-info.org/en/archbishop/decisions/confirmation.pdf
5 http://www.poa-info.org/archbishop/decisions/tomos.html
6 https://www.state.gov/j/drl/rls/irf/2006/71394.htm
7 http://forum18.org/archive.php?article_id=228

In 2005 Archbishop Jovan was sentenced to 18 months' imprisonment for *Instigation of ethnic, racial and religious hatred, discord and intolerance*. The verdict states that Archbishop9:

1. slandered the Macedonian Orthodox Church;
2. accepted his appointed as an Exarch of the Ohrid Archbishopric in Macedonia and participated in the ordination of the bishops Joakim (Jovčevski) and Marko (Kimev) and
3. officiated at a religious service in an apartment owned by his parents.

After 220 days in prison, the Supreme Court found the last two of the three points to be unconstitutional and the sentence was shortened to 8 months 10. In 2006, for the second time, Archbishop Jovan was sentenced on charges for embezzlement and was sentenced to a higher prison term of 2 years. After 256 days in prison, he was released11.

Harassment and arsons

The same year, some armed men, looking for Archbishop Joval, illegally broke into Saint John Chrysostom monastery in the village Nižepole. Having failed to find him there, the armed men started harassing and uttering threats to the nuns, cutting their hair and setting the monastery on fire12. The buildings of the Orthodox Ohrid Archbishopric were raided by the police13 14, the church in the *Saint John Chrysostom* monastery was demolished by the state authorities15, the chapel *St. Nectarios of Aegina* was vandalized and then completely demolished as well with the serving priest, father Borjan Vitanov, who was beaten up twice16 .

In 2004, Macedonian Parliament adopted "the Declaration for support of the autocephaly of the MOC" thus legalizing the Government's identification with a specific religious community – the Macedonian Orthodox Church1718. There were also case when canonical Orthodox clergy were not allowed to enter the country 19 20.

International community reaction

"Religious Freedom Report" and "Human Rights Report" of the United States Department of State repeatedly reported evidence of "restrictions of the religious freedoms of the members of the Orthodox Ohrid Archbishopric", existence of "religious prisoners, violation of freedom of movement, police terror and demolition of a monastery, prevention of OSCE from obtaining a copy of the decision upon which the demolition was carried out, police interrogations of the members of the Orthodox Ohrid Archbishopric"21 *22 23 24* etc .

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8 https://web.archive.org/web/20110722215706/http://mhc.org.mk/default-en.asp?ItemID=996B88AD8CF81C4280D853A6695673E4&arc=1
9 http://www.poa-info.org/archbishop/testimonies/verdict_racial_hatred.html
10 http://www.poa-info.org/archbishop/testimonies/verdict_supreme_court.html
11 http://www.poa-info.org/archbishop/testimonies/9_third_verdict_convicting.html
12 http://forum18.org/archive.php?article_id=259
13 http://forum18.org/archive.php?article_id=506
14 https://www.state.gov/j/drl/rls/irf/2006/71394.htm
15 https://www.state.gov/j/drl/rls/irf/2006/71394.htm
16 https://www.state.gov/j/drl/rls/irf/2006/71394.htm
17 https://web.archive.org/web/20110725133708/http://www.a1.com.mk/vesti/default.aspx?VestID=28339
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20https://web.archive.org/web/20141006101048/http://star.dnevnik.com.mk/default.aspx?pbroj=2564&stID=40267&pdate=20040922
21 https://www.state.gov/j/drl/rls/irf/2006/71394.htm
22 https://www.state.gov/j/drl/rls/irf/2004/35470.htm
23 https://www.state.gov/j/drl/rls/irf/2008/108458.htm
24 https://www.state.gov/j/drl/rls/irf/2004/35470.htm

The US Mission to the Organization for Security and Cooperation in Europe stated that "Violation of freedom of religion and encouraged the authorities to apply the law fairly, advising the government should avoid involving in religious disputes, reminding that Article Nine of the European Convention on Human Rights and Article 19 of the Macedonian Constitution as well as Macedonia's OSCE commitments, and international norms, all guarantee his right to freedom of religion"25.

The European Commission reported "cases of violations of religious freedom exist" and emphasized that "the new law should provide more liberal procedure for registering religious communities"26 .

Amnesty International called Archbishop Jovan "a Prisoner of conscience" 27.

Freedom House reported that Archbishop Jovan was "arrested ... for his ties to the Serbian Orthodox Church" and that "Macedonia received a downward trend arrow due to ... an increase in the harassment of leaders of various religious groups" 28 29.

Letters were sent to the Government with a request to release Archbishop Jovan from Ecumenical Patriarch Bartholomew, Patriarch Alexy II of Moscow, Holy Synod Of Hierarchs Of The Church of Greece, The Holy Community of the Mount Athos, The Standing Conference of the Canonical Orthodox Bishops in the Americas, Metropolitan Herman of the Orthodox Church in America30 31 32 33 34 35

Latest developments

According to "MACEDONIA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT":

"Religious groups reported government favoritism toward the Macedonian Orthodox Church – Ohrid Archbishopric (MOC-OA). The retrial of a money laundering case involving the head of the Orthodox Archbishopric of Ohrid (OAO) started in January but was postponed twice. The OAO, which was unable to register as a religious entity, said the government was discriminating against it

The state recognizes the five religious groups specifically cited in the constitution: the Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, the Evangelical Methodist Church, and the Jewish Community. The law allows other religious organizations to obtain the same legal rights and status as these five groups by applying for government recognition and registration through the courts. The constitution states the five named religious groups "and other religious communities and groups" are separate from the state, equal before the law, and free to establish schools, charities, and other social institutions.

25 https://web.archive.org/web/20111001012559/http://osce.usmission.gov/media/pdfs/2004-statements/fyrom_2-5-04.pdf
26 https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2006/nov/fyrom_sec_1387_en.pdf
27https://web.archive.org/web/20141006082100/http://amnesty.org/en/library/asset/EUR05/001/2006/en/28018728-d44a-11dd-8743-d305bea2b2c7/eur050012006en.html
28 https://freedomhouse.org/report/freedom-world/freedom-world-2007?page=363&year=2007&country=7220
29 https://freedomhouse.org/report/freedom-world/freedom-world-2005?page=363&year=2005&country=6780
30 http://www.ec-patr.org/docdisplay.php?lang=gr&id=549&tla=en
31 http://www.patriarchia.ru/db/text/37153.html
32 http://www.ecclesia.gr/epikairotita/
33 http://www.poa-info.org/archbishop/correspondence/atos19022004.html
34 https://web.archive.org/web/20100205220127/http://www.scoba.us/articles/2005-08-11-condemns-jovan-release.html
35 https://oca.org/news/archived/metropolitan-herman-calls-for-release-of-archbishop-jovan-of-ohrid

Additionally, the ICM, one of the five officially recognized religious groups in the constitution, stated the government favored the MOC-OA by granting it unique privileges, such as providing it with public properties free of charge, funding for the construction of new Orthodox churches, and exclusive invitations for its representatives to attend government functions. The MOC-OA denied any affiliation with the government and stated it did not involve itself in politics."36.

In 2017, the European Court for Human Rights announced its verdict on the case nr. 3532/07: "Orthodox Ohrid Archbishopric against the Former Yugoslav Republic of Macedonia (FYROM)":

"FYROM violated Art. 11 (freedom of assembly and association), in conjunction with Art. 9 (Freedom of Thought, Conscience and Religion), the European Convention on Human Rights ", as the authorities refused to register the Orthodox Ohrid Archbishopric (POA) as a special religious community37.

In 2018, the Government of Macedonia filed a complaint before the Grand Chamber of the European Court for Human Rights, in relation to the said verdict. However, the complaint was rejected by the Court, thus confirming once more its verdict on the case, stating that the FYROM violated the precepts of the European Convention on Human Rights by rejecting to properly register the Orthodox Ohrid Archbishopric38.

Conclusion

We draw the attention of the UN HRC to the fact that interference by states in the sphere of freedom of religious beliefs, as well as administrative and political favouritism in term of one one denomination, as is the case in the FYROM and Ukraine, leads to massive violations of the rights of believers and destroys democratic societies.

In this regard, we ask the UN HRC and the international community to take measures to protect the rights of believers of the Orthodox Ohrid Archbishopric and ensure the full scope of its rights.

36 https://www.state.gov/documents/organization/269084.pdf
37 http://www.poa-info.org/synod/announcements/20171117.html
38 http://www.poa-info.org/news/2018/04/20180424.html